

Land Development Code Improvement Committee Main Committee Meeting



Louisville Metro Planning & Design Services

April 22, 2014

LDC Improvement Committee

AGENDA

1. INTRODUCTIONS/ANNOUNCEMENTS
2. LANDSCAPING SUB-COMMITTEE RECOMMENDATIONS
ITEMS #16-18, 3, 21, 24, 25, 35-37, 48 & 58
3. TRANSPORTATION SUB-COMMITTEE RECOMMENDATIONS
ITEM #2 (AND FORM DISTRICT ITEM #7)

Landscaping Sub-committee Report

- This sub-committee was charged with reviewing Chapter 10 of the Land Development Code (LDC) (Tree Canopy, Landscape Design, Parkways, Open Space, Implementation)
- Objective of making suggestions to improve various regulations and policies related to landscaping issues
- Met 27 times between June 7, 2012 and December 9, 2013
- 59 recommendations listed in this report are the result of the efforts of this sub-committee based upon discussion and research completed by the Committee.
- Presentation of these items to the LDC Main Committee will follow the order below.
 - 1. Section 10.5 Open Space Standards (Item #59; Page 34)
 - 2. Section 10.4 Implementation Standards (Items #45-58; Page 28)
 - 3. Section 10.3 Parkway and Scenic Corridor Development Standards (Items #39-44; Page 23)
 - 4. Section 10.2 Landscape Design (Items #19-38; Page 12)
 - 5. Section 10.1 Tree Canopy (Items #1-18; Page 2)

Landscaping Sub-committee Report

CHAPTER 10 PART 1 TREE CANOPY REGULATIONS (ITEMS #1-18)

- ITEM #16 - Tree Canopy Credit Area Exceptions
- The following changes are proposed to the Section 10.1.6:
 1. Change Tree Canopy Preservation Areas to Tree Canopy Credit Areas
 2. A change is proposed to paragraph C.4 regarding cutting and filling around trees.
- *Regarding paragraph C.3, some sub-committee members wanted the entire paragraph removed, while others want it to remain, but change the reference to grade changes from six inches to two inches. No consensus was reached.*

Landscaping Sub-committee Report

CHAPTER 10 PART 1 TREE CANOPY REGULATIONS (ITEMS #1-18)

- ITEM #17 - Percent Change in TCPA (TCCA)
- Two proposed changes to Section 10.1.6.D emerged from the sub-committee. Both options are listed in the staff report and may be considered by the main committee. The main difference in the two options is the first option requires a change of less than 20% to be approved by PDS staff, while the second option automatically allows a change of less than 20% without any special approval required. Both options require Planning Commission approval for a greater than 20% change.

- ITEM #18 - Tree Canopy Waivers
- The sub-committee members have differing opinions about allowing waiver requests of tree canopy requirements. Some members want this entire section (10.1.8) removed, while other members want it to remain with modifications. No consensus was reached on any single change to this section, but the main committee may certainly consider making changes to it if desired.

Landscaping Sub-committee Report

CHAPTER 10 PART 1 TREE CANOPY REGULATIONS (ITEMS #1-18)

▪ ITEM #3 - Tree Canopy Compliance Options

- The following changes are proposed to Section 10.1.3:
 1. Change the title from Alternatives of Compliance to Methods of Compliance.
 2. Allow Planning Commission staff to approve an alternative planting site, rather the Planning Commission, unless criteria cannot be met.
 3. A new fee in lieu option has been added.
- *The group also discussed adding something about having the applicant be accountable for the trees for a minimum of 3 years. This was mentioned for enforcement purposes to ensure the survivability and replacing of trees should they die. This concept was discussed, but no specific language has been proposed.*

GROUP APPROVED ITEMS 1-3 ABOVE ON 3/25/14, BUT TABLED CONSIDERATION OF THE MAINTENANCE RESPONSIBILITY TIMELINE ISSUE.

Landscaping Sub-committee Report

CHAPTER 10 PART 2 LANDSCAPING DESIGN (ITEMS #19-38)

- ITEM #21 - Property Perimeter LBA's Apply to Zoning Boundaries
- Correction to section below to indicate that property perimeter landscape buffer areas apply to differing zoning boundary lines rather than all property lines.
- **Section 10.2.4 Property Perimeter Landscape Buffer Areas**
 - A. General Requirements: Property Perimeter Landscape Buffer Areas shall be applied along all ~~property~~ zoning boundaries of sites affected by this ordinance except for those boundaries adjacent to streets. Property perimeter landscape buffer areas also apply to zoning boundary lines within a site.
- **GROUP TABLED THIS ITEM ON 2/25/14**
- Possible Solution: A. General Requirements: Property Perimeter Landscape Buffer Areas shall be applied along all ~~property~~ applicable zoning boundaries of sites affected by this ordinance except for those boundaries adjacent to streets.

Landscaping Sub-committee Report

CHAPTER 10 PART 2 LANDSCAPING DESIGN (ITEMS #19-38)

- **GROUP TABLED THESE ITEMS ON 2/25/14**
- **ITEM #24 - Sidewalks Encroaching into LBA's**
 - The changes below are proposed to Section 10.2.4.B which allows sidewalks to encroach into landscape buffer areas, and there is a clarification added to the retaining wall note below.
 - Possible Solutions:
 - Remove “a 5 foot”
 - Eliminate confusing sentence “Every foot of encroachment...”
- **ITEM #25 - Utility Easement/ LBA Overlap Section**
 - Changes to Section 10.2.4.B that allows utility easements and landscape buffer areas to overlap are proposed. The changes shown in the report will allow more than a 50% overlap in certain situations.
 - Possible Solutions: Perhaps revise last sentence to read, “Plantings that may interfere with overhead electric transmission lines may not be planted directly underneath or adjacent to said transmission lines.”

Landscaping Sub-committee Report

CHAPTER 10 PART 2 LANDSCAPING DESIGN (ITEMS #19-38)

▪ ITEM #35 - Vehicle Use Area Perimeter Planting

- The following changes are proposed to Section 10.2.11 VUA Perimeter Planting:
 1. Add reference to medium and small type trees in beginning paragraph.
 2. Replace “roadway” in Table 10.2.7 with “public right-of-way or named private way”.

TABLED ON 3/11/14 - REVISIT ROADWAY REFERENCE

Possible Solution: Why not use “street” rather than “roadway”?

Current LDC definition of Street: “Any public way or legally created private way for vehicular traffic used as a means of access to lots abutting thereon...”

▪ ITEM #36 - Vehicular Use Area Interior Landscape Areas (VUA ILA's)

- The following changes are proposed to the Section 10.2.12 VUA ILA's:
 1. Correct a number error in the VUA table.
 2. Increase minimum ILA size from 133 SF to 290 SF.
 3. Eliminate 120 foot spacing rule. Replace with 20 spaces.

APPROVED ON 3/11/14 - NEED TO REVISIT 20 SPACES DECISION

PDS Staff suggests a dimensional requirement is still needed because:

- 1) Some VUA's over 12,000 SF may not have parking spaces. How would the VUA ILA requirement be calculated without a dimensional spacing requirement?
- 2) Beginning of this section refers to “distance”.

Landscaping Sub-committee Report

CHAPTER 10 PART 2 LANDSCAPING DESIGN (ITEMS #19-38)

- ITEM #37 - VUA ILA Planting Requirements (GMP additions)
- Two paragraphs below related to the green management practices proposal have been added to Section 10.2.13 VUA ILA Planting Requirements.
 - For sites utilizing bio-retention areas as ILA's, the required ILA trees may be relocated adjacent to an impervious surface on the site. However, the number of relocated ILA trees shall not exceed 25% (1 A/B type tree per every 4,000 sf) from what is required in this part. Plantings shall be per the MSD Green Management Practice Manual.
 - A 10% reduction in required parking is allowable if the VUA exceeds 6,000 Sq. Ft. and 25% of the required ILA is depressed bio-retention areas and is utilized for stormwater management. Depressed bio-retention areas can be used to meet the MSD Design Standards stormwater pretreatment requirements.

TABLED ON 3/11/14

Changes needed: 1) Also list parking reduction in Chapter 9; 2) Make last section read same as Section 9.1.10.A.2; 3) Why 25%? Original suggestion from consultant was 50%, but some sub-committee members felt that number was too high and may deter some from choosing to install any bio-retention areas at all. 25% was a compromise.

Landscaping Sub-committee Report

CHAPTER 10 PART 4 IMPLEMENTATION STANDARDS (ITEMS #45-58)

▪ ITEM #48 - Tree Spacing

- The following changes are proposed to Section 10.4.4 Spacing:
 1. Spacing requirements for medium and large trees has been adjusted.
 2. Table 10.4.2 related to tree spacing adjacent to buildings has been eliminated and replaced with a statement that says PDS staff will determine this on a case by case basis.
 3. Small space planting reference has been eliminated.
 4. Figure 10.4.1 (not shown here) will be relocated within this section adjacent to sight triangle language.
 5. Changes were made to section on plantings near utilities and fireplugs to be consistent with utility agencies and fire department policies and regulations.
- **ITEM APPROVED ON 2/11/14, BUT WILL REVISIT ISSUE RELATED TO SCREENING NEAR FIRE HYDRANTS AFTER CONSULTATION WITH FIRE DEPT.**
- Solutions:
 - Remove specific dimensions around fireplugs (5' & 7.5')
 - Use this sentence instead: "Landscaping near a fireplug must comply with the most recent edition of the applicable fire ordinance."

Landscaping Sub-committee Report

CHAPTER 10 PART 4 IMPLEMENTATION STANDARDS (ITEMS #45-58)

- ITEM #58 - Appendix 10D - PDS Tree Preservation Policy
- The PDS Tree Preservation Policy Section found in Appendix 10D of the LDC has been updated to include terminology changes such as Tree Canopy Protection Area (TCPA) is now Tree Canopy Credit Area (TCCA), etc. Also, a few portions of Chapter 10 were relocated to this appendix, and vice versa.
- **GROUP DECIDED ON 1/21/14, TO REVISIT THIS ITEM AFTER ALL OF THE CHAPTER 10 REVISIONS HAVE BEEN DISCUSSED.**

CHAPTER 5 FORM DISTRICT THRESHOLD TABLES

4/21/14

- On 12/3/13 the LDC Main Committee voted to accept the transportation sub-committee's proposed change that consolidates Part 8 (Street and Roadside Design), Part 9 (Transit and Connections) and Part 10 (Traffic Impacts) in all form district tables.
- PROPOSED CHANGE #1 (FORM DIST. SUB-CMTE)** – The Form District sub-committee proposes to relocate all of the form district specific content within Part 4 (Residential Site Design), Part 5 (Non-Residential/Mixed Use Site Design), Part 6 (Building Design Standards) and Part 7 (Transition) to within the various form district sections.

DOWNTOWN FD Table 5.2.1 Thresholds	Part 5 Non-Residential Mixed Use Site Design	Part 6 Building Design Standards	Part 7 Transition	Part 8 - Street and Road-Side Design	Part 9 Transit and Connections	Part 10 Traffic Impacts	Part 11 Open Space
Category 2A							
Accessory Structure: New or Expansion	X						
Construction of a street or alley				X	X	X	
Category 2B							
Construction of any parking spaces	X			X	X	X	
Construction of building footprint less than 3,000 square feet	X	X		X	X	X	
Construction of building footprint between 3,000 - 5,000 square feet	X	X	X	X	X	X	X
Category 3							
Construction of a building addition resulting in a structure greater than 14 stories in height.	X	X	X	X	X	X	
Construction of building footprint greater than 5,000 square feet.	X	X	X	X	X	X	X

- PROPOSED CHANGE #2 (TRANS. SUB-CMTE)** – New consolidated Parts 8-10 now proposed to apply to "Category 3 – Construction of a building addition resulting in a structure greater than 14 stories in height."

TRADITIONAL NEIGHBORHOOD FD	Part 4 Residential Site Design	Part 5 Non-Residential and Mixed-Use Site Design	Part 6 Building Design	Part 7 Transition	Part 8 Street and Road-side Design	Part 9 Transit and Connection	Part 10 Traffic Impacts	Part 11 Open Space	Part 12 Special Design Requirement
Table 5.2.3									
Thresholds									
Category 2A									
Accessory Structure: New or Expansion (Residential)	X								
Accessory Structure: New or Expansion (Non-Residential)		X							
Construction of less than 10 multi-family dwelling units	X				X	X	X		
Construction of non-residential building footprint less than 1,000 square feet		X			X	X	X		
Expansion to the building footprint of an existing residential dwelling (principal structure)	X								
Construction of a single family dwelling on existing lot.	X				X	X	X		
Creation of 5 or fewer single-family residential lots	X				X	X	X		
Category 2B									
Construction of 10 or more off-street parking spaces		X			X	X	X		
Construction of 10-16 multi-family residential dwelling units	X		X		X	X	X	X	
Construction of non-residential/mixed use building footprint between 1,000 - 5,000 square feet		X	X	X	X	X	X		
Category 3									
Creation of more than 5 residential lots	X				X	X	X		
Construction of 40 or more multi-family residential dwelling units	X		X		X	X	X	X	
Creation of more than 5 non-residential lots		X		X	X	X	X		
Construction of non-residential/mixed use building footprint between 5,001 - 30,000 square feet		X	X	X	X	X	X		
Construction of non-residential/mixed use building footprint in excess of 30,000 sf.		X	X	X	X	X	X		X

- **PROPOSED CHANGE #3 (TRANS. SUB-CMTE)** – New consolidated Parts 8-10 now proposed to apply to "Category 2A – Construction of non-residential building footprint less than 1,000 square feet."
- **PROPOSED CHANGE #4 (TRANS. SUB-CMTE)** – New consolidated Parts 8-10 now proposed to apply to "Category 2A – Creation of 5 or fewer single-family residential lots."
- **PROPOSED CHANGE #5 (FORM DIST. SUB-CMTE)** – 10-16 multi-family units can now be developed as a Category 2B plan. Previously 10 or more multi-family units were required to be a Category 3 plan.
- **PROPOSED CHANGE #6 (FORM DIST. SUB-CMTE)** – This proposal by the form district sub-committee **directly conflicts** with proposed change #3 above proposed by the transportation sub-committee. This change would change the Category 2A threshold for non-residential building footprints from 1,000 to 2,000 square feet.

TRADITIONAL MARKETPLACE
CORRIDOR FD

Table 5.2.4
Thresholds

	Part 5 Non-Residential and Mixed Use Site Design	Part 6 Building Design Standards	Part 7 Transition	Part 8 Streets and Road Side Design Standards	Part 9 Transit and Connections	Part 10 Traffic Impacts	Part 12 Special Design Requirement
Category 2A							
Accessory Structure: New or Expansion	X						
Construction of building footprint less than 2,000 square feet	X			<u>X</u>	<u>X</u>	<u>X</u>	
Category 2B							
Construction of 10 or more off-street parking spaces	X			X	X	<u>X</u>	
Construction of building footprint between 2,000 - 35,000 square feet	X	X	X	X	X	X	
Category 3							
Projected traffic generation exceeding 200 trip-ends per peak hour				<u>X</u>	<u>X</u>	X	
Construction of building footprint greater than 35,000 square feet	X	X	X	X	X	X	X

- **PROPOSED CHANGE #7 (TRANS. SUB-CMTE)** – New consolidated Parts 8-10 now proposed to apply to “Category 2A – Construction of a building footprint less than 2,000 square feet.”

TOWN CENTER FD

Table 5.2.5

Thresholds

	Part 5 Non-Residential and Mixed Use Site Design	Part 6 Building Design	Part 7 Transition	Part 8 Streets and Road Side Design	Part 9 Transit and Connection	Part 10 Traffic Impacts	Part 12 Special Design Requirement
Category 2A							
Accessory Structure: New or Expansion	X						
Construction of non-residential/mixed use building footprint less than 3,000 square feet	X			X	X	X	
Projected traffic generation exceeding 200 trip –ends per peak hour				X	X	X	
Category 2B							
Construction of 25 or more off–street parking spaces	X			X	X	X	
Construction of non-residential/mixed use building footprint between 3,000 - 30,000 square feet	X	X	X	X	X	X	
Category 3							
Creation of more than 5 lots				X	X	X	
Construction of non-residential/mixed use building footprint greater than 30,000 square feet	X	X	X	X	X	X	X

- No changes proposed by transportation sub-committee.

TRADITIONAL WORKPLACE FD Table 5.2.6 Thresholds	Part 5 Non-Residential and Mixed Use Site Design	Part 6 Building Design Standards	Part 7 Transition	Part 8 Street and Road Side Design	Part 9 Transit and Connection	Part 10 Traffic Impacts	Part 12 Special Design Requirement
Category 2A							
Accessory Structure: New or Expansion	X						
Construction of building footprint less than 3,000 square feet	X						
Category 2B							
Construction of 25 or more off-street parking spaces	X			X	X	<u>X</u>	
Construction of building footprint between 3,000 – 50,000 square feet	X	X	X	X	X	X	
Category 3							
Construction of building footprint greater than 50,000 square feet	X	X	X	X	X	X	X
Projected traffic generation exceeding 200 trip-ends per peak hour				<u>X</u>	<u>X</u>	X	
Creation of more than 5 lots				X	X	<u>X</u>	

- No changes proposed by transportation sub-committee.

NEIGHBORHOOD FD Table 5.3.3 Thresholds	Part 4 Residential Site Design	Part 5 Non-Residential and Mixed Use Site Design	Part 6 Building Design	Part 7 Transition	Part 8 Street and Roadside	Part 9 Transit and Connection	Part 10 Traffic Impacts	Part 11 Open Space	Part 12 Special Design Requirement
Category 2A									
Expansion to the building footprint of an existing residential dwelling (principal structure) by less than 50%	X								
Construction of non-residential/mixed use building footprint less than <u>1,000</u> 3,000 square feet		X			X	X	X		
Residential Accessory Structure: New or Expansion	X								
Non-residential Accessory Structure: New or Expansion		X							
Expansion to the building footprint of an existing residential dwelling (principal structure) by 50% or more	X				X				
Construction of a single family residence on an existing lot	X				X				
Construction of less than 10 multi-family dwelling units	X				X				
Category 2B									
Construction of 25 or more off-street parking spaces		X			X	X	X		
Construction of <u>10-16 multi-family residential dwelling units</u>	X		X		X	X	X	X	
Construction of non-residential/mixed use building footprints between <u>3,000</u> <u>1,000</u> - 30,000 square feet		X	X	X	X	X	X		
Category 3									
Creation of more than 5 single family residential lots.	X				X	X	X		
Construction of <u>10</u> <u>17</u> or more multi-family dwelling units	X		X		X	X	X	X	
Construction of non-residential/mixed use building footprint greater than 30,000 square feet		X	X	X	X	X	X		X

- On 2/11/14 the LDC Main Committee voted to reject the transportation sub-committee's recommendation that the new consolidated Parts 8-10 should also apply to "Category 2A - Expansion to the building footprint of an existing residential dwelling (principal structure) by 50% or more."
- PROPOSED CHANGE #8 (TRANS. SUB-CMTE)** – Category 2A non-residential/mixed use building footprint threshold is now 1,000 square feet instead of 3,000 square feet.
- PROPOSED CHANGE #9 (TRANS. SUB-CMTE)** – New consolidated Parts 8-10 now proposed to apply to "Category 2A – Construction of non-residential/mixed use building footprint less than 1,000 3,000 square feet."
- PROPOSED CHANGE #10 (TRANS. SUB-CMTE)** – If proposed change #8 is approved, then it will be necessary to change the corresponding Category 2B threshold to read, "Construction of non-residential/mixed use building footprints between 3,000 1,000 - 30,000 square feet."
- PROPOSED CHANGE #11 (FORM DIST. SUB-CMTE)** – 10-16 multi-family units can now be developed as a Category 2B plan. Previously 10 or more multi-family units were required to be a Category 3 plan.

SUBURBAN MARKETPLACE CORRIDOR FD	Part 5 Non-Residential and Mixed Use Site Design	Part 6 Building Design	Part 7 Transition	Part 8 Street and Roadside Design	Part 9 Transit and Connection	Part 10 Traffic Impacts	Part 12 Special Design Requirement
Table 5.3.4 Thresholds							
Category 2A							
Accessory Structure: New or Expansion	X						
Construction of building footprint less than 1,000 3,000 square feet	X			X	X	X	
Category 2B							
Construction of 50 or more off-street parking spaces	X			X	X	X	
Construction of building footprint between 1,000 3,000 – 30,000 square feet	X	X	X	X	X	X	
Category 3							
Projected traffic generation exceeding 200 trip-ends per peak hour				X	X	X	
Creation of more than five lots				X	X	X	
Construction of building footprint between 30,001 – 75,000 square feet	X	X	X	X	X	X	
Construction of building footprint greater than 75,000 square feet	X	X	X	X	X	X	X

- **PROPOSED CHANGE #12 (TRANS. SUB-CMTE)** – Category 2A building footprint threshold is now 1,000 square feet instead of 3,000 square feet.
- **PROPOSED CHANGE #13 (TRANS. SUB-CMTE)** – New consolidated Parts 8-10 now proposed to apply to “Category 2A – Construction of building footprint less than **1,000 3,000** square feet.”
- **PROPOSED CHANGE #14 (TRANS. SUB-CMTE)** – If proposed change #12 is approved, then it will be necessary to change the corresponding Category 2B threshold to read, “Construction of building footprint between **3,000 1,000** - 30,000 square feet.”

REGIONAL CENTER FD

Table 5.3.5

Thresholds

	Part 5 Non-Residential and Mixed Use Site Design	Part 6 Building Design	Part 7 Transition	Part 8 Street and Roadside Design	Part 9 Transit and Connection	Part 10 Traffic Impacts	Part 12 Special Design requirement
Category 2A							
Accessory Structure: New or Expansion	X						
Projected traffic generation exceeding 200 trip-ends per peak hour				X	X	X	
Construction of a building footprint less than 1,000 3,000 SF	X			X	X	X	
Category 2B							
Construction of 50 or more off-street parking spaces	X			X	X	X	
Construction of a building footprint between 1,000 3,000 - 30,000 SF	X	X	X	X	X	X	
Category 3							
Creation of more than five lots				X	X	X	
Construction of a building footprint between 30,001 - 75,000 SF	X	X	X	X	X	X	
Construction of a building footprint greater than 75,000 SF	X	X	X	X	X	X	X

- **PROPOSED CHANGE #15 (TRANS. SUB-CMTE)** – Category 2A building footprint threshold is now 1,000 square feet instead of 3,000 square feet.
- **PROPOSED CHANGE #16 (TRANS. SUB-CMTE)** – If proposed change #15 is approved, then it will be necessary to change the corresponding Category 2B threshold to read, "Construction of a building footprint between 3,000 ~~1,000~~ - 30,000 square feet."

SUBURBAN WORKPLACE FD

Table 5.3.6

Thresholds

	Part 5 Non-residential and Mixed Use Site Design	Part 6 Building Design	Part 7 Transition	Part 8 Street and Roadside Design	Part 9 Transit and Connection	Part 10 Traffic Impacts	Part 12 Special Design Requirement
Category 2A							
Accessory Structure: New or Expansion	X						
Construction of building footprint less than 3,000 square feet	X						
Category 2B							
Construction of 50 or more off-street parking spaces	X			X	X	<u>X</u>	
Construction of building footprint between 3,000 - 75,000 square feet	X	X	X	X	X	X	
CATEGORY 3							
Construction of building footprint greater than 75,000 square feet	X	X	X	X	X	X	X
Projected traffic generation exceeding 200 trip-ends per peak hour				<u>X</u>	<u>X</u>	X	
Creation of more than five lots				X	X	<u>X</u>	

- No changes proposed by transportation sub-committee.

CAMPUS FD

Table 5.3.6

Thresholds

	Part 5 Non-residential and Mixed Use	Part 6 Building Design	Part 7 Transition	Part 8 Street and Roadside Design	Part 9 Transit and Connection	Part 10 Traffic Impacts	Part 11 Open Space	Part 12 Special Design Requirement
Category 2A								
Accessory Structure: New or Expansion	X							
Construction of building footprint less than 3,000 square feet	X							
Category 2B								
Construction of 50 or more off-street parking spaces	X			X	X	<u>X</u>		
Construction of building footprint between 3,000 – 30,000 square feet	X	X	X	X	X	X		
Category 3								
Construction of building footprint greater than 30,000 square feet	X	X	X	X	X	X	X	X
Creation of a more than five lots				X	X	<u>X</u>		
Development of a site of 10 acres or more	X	X	X	X	X	X	X	X

- No changes proposed by transportation sub-committee.